

**DECLARATION - USA PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name;

I believe that I am one of the original, first and joint inventors (namely, James R. Braig, a United States citizen having a residence and mailing address at 280 Mountain Avenue, Piedmont, California 94611, Bernhard B. Sterling, a United States citizen having a residence and mailing address at 882 El Pintado Road, Danville, California 94086, Peter Rule, a United States citizen having a residence and mailing address at 24183 Hillview Road, Los Altos Hills, California 94024, Philip C. Hartstein, a United States citizen having a residence and mailing address at 171 Bryant St. Apt. G, Palo Alto, California 94301, and Kenneth I. Li, a United States Citizen having a residence and mailing address at 53 Calvert Court, Piedmont, California 94611) of the subject matter which is claimed and for which a patent is sought on the invention entitled SAMPLE ELEMENT FOR USE IN MATERIAL ANALYSIS; the specification of which was filed on **April 15, 2004** as Application Serial No. **10/825,072**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Application No.: 60/463,132

Filing Date: April 15, 2003

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **James R. Braig**

Inventor's signature _____

Date _____

Residence: **280 Mountain Avenue, Piedmont, CA 94611**

Citizenship: **U.S.**

Send Correspondence To:

KNOBBE, MARTENS, OLSON & BEAR, LLP

Customer No. 20,995

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ALL-PURPOSE ACKNOWLEDGEMENT

State of California

County of Alameda

SS.

On October 19, 2004
(DATE)

before me, Jennifer Villavert Le
(NOTARY)

personally appeared James R. Braig
SIGNER(S)

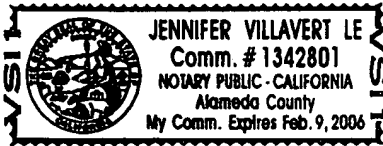


personally known to me

- OR -



proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Jennifer Villavert Le
NOTARY'S SIGNATURE

OPTIONAL INFORMATION

The information below is not required by law. However, it could prevent fraudulent attachment of this acknowledgement to an unauthorized document.

CAPACITY CLAIMED BY SIGNER (PRINCIPAL)

- ☐ INDIVIDUAL
☒ CORPORATE OFFICER

CTO

TITLE(S)

- ☐ PARTNER(S)
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

DESCRIPTION OF ATTACHED DOCUMENT

Declaration - USA Patent Application
TITLE OR TYPE OF DOCUMENT

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NUMBER OF PAGES

April 15, 2004
DATE OF DOCUMENT

OPTIS 089A

OTHER

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)

OPTISCAN BIOMEDICAL CORP.

RIGHT THUMBPRINT

OF
SIGNER

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Full name of second inventor: **Bernhard B. Sterling**

Inventor's signature

Bernhard B. Sterling

Date

October 19, 2004

Residence: **882 El Pintado Road, Danville, CA 94086**

Citizenship: **U.S.**

Mailing Address: **Same**

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State of California

County of

Alameda

SS.

On October 19, 2004

(DATE)

before me,

Jennifer Villavert Le

(NOTARY)

personally appeared

Bernhard B. Sterling

(SIGNER(S))

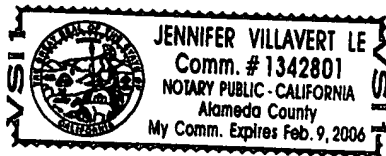


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Jennifer Villavert Le
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PARTNER(S)



ATTORNEY-IN-FACT



TRUSTEE(S)



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Full name of third inventor: **Peter Rule**

Inventor's signature _____

Date _____

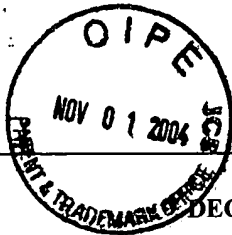
Residence: **24183 Hillview Road, Los Altos Hills, CA 94024**

Citizenship: **U.S.**

Mailing Address: **Same**

Michelle Laubach
subscribing witness 10/19/04

Send Correspondence To:
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Full name of fourth inventor: Philip C. Hartstein

Inventor's signature

Date

Residence: 171 Bryant St. Apt. G, Palo Alto, California 94301

Citizenship: U.S.

Mailing Address: Same

Subscribing Witness
Michele Jaubach
10/19/04

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Full name of fifth inventor: Kenneth I. Li

Inventor's signature

Kenneth I. Li

Date

Oct. 19, 2004

Residence: 53 Calvert Court, Piedmont, CA 94611

Citizenship: U.S.

Mailing Address: Same

Nichole Faubach
subscribing witness 10/19/04

Send Correspondence To:
KNOBBE, MARTENS, OLSON & BEAR, LLP
Customer No. 20,995

SUBSCRIBING WITNESS JURAT

State of California

County of Alameda } SS.

On October 19, 2004, before me, the undersigned, a notary public for the state, personally

appeared Michele Loubach, personally known to me ~~(or proved to~~
SUBSCRIBING WITNESS'S NAME

~~me on the oath of~~ _____, who is ~~personally known to me~~ to
CREDIBLE WITNESS'S NAME

be the person whose name is subscribed to the within
instrument, as a witness there to, who, being by me duly
sworn, deposed and said that ~~he/she~~ was present and
Peter Rule, Philip C. Haertstein, and
saw Ken I. Li the
NAME(S) OF PRINCIPAL(S)

same person(s) described in and whose name(s) ~~is/are~~
subscribed to the within and annexed instrument in
~~his/her~~/their authorized capacity(ies) as (a) party(ies)
thereto, execute the same, and that said affiant
subscribed ~~his/her~~ name to the within instrument as a
witness at the request of
Peter Rule, Philip C. Haertstein, and
Ken I. Li
NAME(S) OF PRINCIPAL(S)



WITNESS my hand and official seal.

Jennifer Villavert Le
NOTARY'S SIGNATURE

OPTIONAL INFORMATION

The information below is optional. However, it may prove valuable and could prevent fraudulent attachment of this form to an unauthorized document.

CAPACITY CLAIMED BY SIGNER (PRINCIPAL)

- ☐ INDIVIDUAL
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☒ SUBSCRIBING WITNESS
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OF
SIGNER

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